

The Seabrook Planning and Zoning Commission met in regular session on Thursday, September 15, 2022 at 6:00 PM at Seabrook City Hall and via teleconference to consider and if appropriate, take action on the agenda items listed below:

THOSE PRESENT WERE:

GARY RENOLA	CHAIRMAN
DARRELL PICH	VICE - CHAIR
SCOTT REYNOLDS	MEMBER
ROSEBUD CARADEC (exc. absence)	MEMBER
GUY RODGERS	MEMBER
RHONDA THOMPSON	MEMBER
ED KLEIN (exc. absence)	MEMBER
SEAN LANDIS	DIRECTOR OF COMMUNITY DEVELOPMENT
PAT PATEL	ADMINISTRATIVE COORDINATOR

Chairman Gary Renola called the meeting to order at 6:02 p.m. and stated there was a quorum present.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

None

2.0 SPECIFIC PUBLIC HEARINGS

Chairman Renola opened the Public Hearing at 6:04 p.m.

2.1 Conduct a Public Hearing on a request for a Conditional Use Permit to establish a "Bar" at 1805 First Street, as per the Seabrook City Code, Appendix A, Comprehensive Zoning, Article 4, "Special Use Regulations," Section 4.11, "Conditional use permit criteria and procedures,".

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 13, "TEMPORARY AND NONTEXT CHANGES," SECTION 13.03, BY ADDING A NEW PARAGRAPH (29) GRANTING A CONDITIONAL USE PERMIT FOR A "BAR" TO BE LOCATED AT 1805 FIRST STREET, WITHIN THE 146-M (SH 146 MAIN COMMERCIAL) ZONING DISTRICT AND ESTABLISHING ANY APPLICABLE CONDITIONS FOR THE OPERATION OF THE BUSINESS IN ACCORDANCE WITH LAW; PROVIDING A PENALTY IN AN AMOUNT OF NOT TO EXCEED \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

56 *Director Sean Landis presentation:*

- 57 • *Applicant request is for bar use at 1805 First Street*
- 58 • *Purpose of the Conditional Use Permit is to identify those land uses which may be*
- 59 *appropriate within a zoning district, but due to either their location, function or*
- 60 *operation could have a potentially harmful impact on adjacent properties or the*
- 61 *surrounding area. A Conditional Use Permit would help to mitigate or eliminate such*
- 62 *adverse impacts.*
- 63 • *Staff will make sure that business is in compliance with our parking ordinance – 1*
- 64 *parking space for every 100 square feet of dining space - Total occupancy would be*
- 65 *limited based on parking issue*
- 66 • *Nearby School: As long as the School is 300ft away from front door to front door*
- 67 *the business can have their liquor license to operate at that location*
- 68 • *Outdoor music requirements – business will have to comply with noise ordinance –*
- 69 *they will be required to be in compliance with our noise ordinance.*
- 70 • *Majority of that property is now zoned Commercial off SH146*
- 71 • *Typical hours of operation for this business will not have their largest crowds during*
- 72 *the daytime – not a lot of people at City Hall, not a lot of people at Community*
- 73 *Center – therefore their larger crowds will have the option of overflow parking*
- 74 *nearby.*
- 75 • *Occupant load: for this type of use is based on occupiable location like dining*
- 76 *space. You have to have 15 square feet per occupant.*

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78 *Applicant Presentation:*

- 79 • *Veronica Garcia, from Texas City, business owner and presenter*
- 80 • *First time business owner – it's been a dream for our family to open something like*
- 81 *this – it's a family business*
- 82 • *Proposing a bar with food and appetizers – sports club family hang-out with a lot of*
- 83 *televisions*
- 84 • *Love the location here in Seabrook – has two garage doors and windows*
- 85 • *Vision is to connect with this neighborhood – purpose is to share with the*
- 86 *community our Mexican culture along with our family recipes of mixed drinks and*
- 87 *foods – offer appetizers and sports and have people come and hangout – be more*
- 88 *with the community*
- 89 • *Parking in the front is very little – but we do have the side parking – vision is more*
- 90 *of a black-top concrete parking option, no gravel.*
- 91 • *Would like to replace the front windows with double doors – would like to keep the*
- 92 *garage doors open and friendly – possibly have local musicians on weekends*
- 93 • *Inside of the building will have a lounge area – proposed dance floor – stage area*
- 94 *for bands to play*
- 95 • *Currently renting the property at 1805 First Street*
- 96 • *Overflow Parking issue – park to the left and right, nothing too crazy – know that*
- 97 *we have houses in front of us and have taken that into consideration*
- 98 • *With the liquor license – will do hard liquor maybe with tequila setup and whiskey –*
- 99 *keeping it very simple*
- 100 • *Hours of operation – shut down at 12:00am*
- 101 • *Will comply with outdoor music requirements*
- 102 • *Vision for the outside façade – will have a rustic look – need to put just the name*
- 103 *on the outside Uno Mas – keep it very simple*
- 104 • *Security at night time – will have security cameras up and alarms – feels safe to be*
- 105 *around the corner from the police department.*

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107 *The P&Z Board recommended to have ballards put up so people don't drive thru into the*

108 *building.*

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110 *Chairman Renola closed Public Hearing at 6:24 p.m.*

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3.0 NEW BUSINESS

3.1 Consider and take all appropriate action on a request for a Conditional Use Permit to establish a "Bar" at 1805 First Street, as per the Seabrook City Code, Appendix A, Comprehensive Zoning, Article 4, "Special Use Regulations," Section 4.11, "Conditional use permit criteria and procedures,".

Motion made by Darrell Picha and seconded by Scott Reynolds.

To approve the request for a Conditional Use Permit to establish a "Bar" at 1805 First Street with the following amendment: Parking Ballards shall be installed between the building and parking lot to prevent any accidental vehicular contact or damage to the building or building occupants.

MOTION CARRIED BY UNANIMOUS CONSENT

3.2 Discuss, consider and take all appropriate action on amending The Seabrook City Code of Ordinance, Chapter 18, "Buildings and Building Regulations", Article VIII, "Requirements for Owners of Residential Properties Used As Short-Term Rentals", Section 18-603 "Short-Term Rental Permit Application" Subsection (C) "Any existing short-term rental shall have (90) days from adoption of this ordinance to complete the required registration and obtain their short-term rental permit"; redefining the deadline to obtain the required permit from ninety (90) days to January 1, 2023.

Director Sean Landis explained to the Board that

- Background: Issues within community with short term rentals – people having "party houses"*
- Definition of short term rentals – any private property that there is a lease for less than 30 days – once you have that situation where you're leasing a room or dwelling less than 30 days or a homestead, its now considered a short-term rental. Falls under where you have to pay HOT Tax / Hotel-Motel tax.*
- At State level – they preempted cities from outlawing this particular use within a residential district. At the State level they have defined a short-term rental as a residential use.*
- So currently City Council cannot create an ordinance – they cannot prohibit the use – although they can allow us to permit the use*
- City Staff and City Council elected to handle the permitting process in-house – this was adopted by City Council in February - 90 grace period for people who own an Air B&B or a short-term rental to get permitted – process was so complex for City Staff to setup that we just now have the process in place where you can go online and apply for the permit*
- Staff is asking for an extension to that 90 day period to January 1, 2023*
- What happens if someone doesn't permit – 500/day fine penalty – 10 days to come into compliance – then start writing citations on daily basis if they are not into compliance*

Motion made by Scott Reynolds and seconded by Darrell Picha.

To approve the amendment to the Seabrook City Code of Ordinance, Chapter 18, "Buildings and Building Regulations", Article VIII, "Requirements for Owners of Residential Properties Used As Short-Term Rentals", Section 18-603 "Short-Term Rental Permit Application" Subsection (C) "Any existing short-term rental shall have (90) days from adoption of this ordinance to complete the required registration and obtain their short-term rental permit"; redefining the deadline to obtain the required permit from ninety (90) days to January 1, 2023.

MOTION CARRIED BY UNANIMOUS CONSENT

4.0 ROUTINE BUSINESS

4.1 Approve the minutes from the July 21, 2022 Regular P&Z meeting.

Motion made by Guy Rodgers and seconded by Darrell Picha.

To approve the minutes as presented.

MOTION CARRIED BY UNANIMOUS CONSENT

4.2 Report from the Director of Planning and Community Development on the status of a list of actions taken by Planning & Zoning and sent to City Council for its action or review.

Sean Landis gave a brief report.

4.3 Establish future agenda items and meeting dates.


- *October 20, 2022 regular P&Z meeting*

Motion was made by Darrell Picha and seconded by Guy Rodgers.

To adjourn the September 15, 2022 Planning & Zoning meeting.

Having no further business, the meeting adjourned at 6:46 p.m.

APPROVED THIS 20th DAY OF October, 2022.



Gary F. Renola, Chairman



Pat Patel, Administrative Coordinator